S.B.Cr.Misc. Bail App. No. 4685/2007

(Om Prakash Vs. State of Rajasthan)

Date of order : 19/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. M.K.Garg for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that as many as nine persons were tried by the Additional Sessions Judge (Fast Track) Parbatsar in Sessions Case No. 14/05 (12/05) 29/05 (36/05), 15/06 (3/06) arising out of FIR No. 03/2005 P.S. Chitava and they have been acquitted by the judgment and order dated 27.11.2006.

I have carefully gone through the judgment and order acquitting as many as nine persons. The allegation of running the tractor over the deceased is against Hariram who was accused No.1 in the Sessions case referred above and has been acquitted.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Om Prakash S/o Pepha Ram be released on bail in FIR No. 03/2005 P.S. Chitawa, district Nagaur provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP